

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

01 JUL 25 PM 1:12  
L.S.  
M.J.

DAVID E. SUTPHIN, )  
                        )  
Plaintiff,           )  
                        )  
v.                    ) CIVIL ACTION NO. 01-G-0541-S  
                        )  
USF HOLLAND, INC., )  
                        )  
Defendant.           )

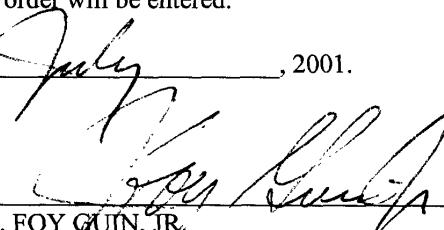
ENTERED

JUL 25 2001

**MEMORANDUM OF OPINION**

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, the motion to dismiss filed by the defendant (doc. 4) is due to be denied. An appropriate order will be entered.

DONE, this 25<sup>th</sup> day of July, 2001.

  
J. FOY GUIN, JR.  
SENIOR UNITED STATES DISTRICT JUDGE

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